



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: October 13, 2011

Agenda Item No. 10: Office of Mine Reclamation, Lead Agency Review Team (LART) Report on County of Merced.

INTRODUCTION: In 2007, the Department of Conservation, Office of Mine Reclamation (OMR) established the Lead Agency Review Team (LART). An overview of the LART program was previously presented to the State Mining and Geology Board (SMGB) in July 2009. The LART has completed its lead agency review report for the County of Merced, and is presenting a synopsis of its review.

BACKGROUND: California is the only state in the conterminous United States where surface mine reclamation is not regulated at the state level. Most states also maintain permitting authority when it comes to mining regulation; whereas, in California permitting authority is decided at the local level. SMARA pursuant to Public Resources Code (PRC) Section 2728 defines a lead agency as a city, county, San Francisco Bay Conservation and Development Commission (BCDC), or the SMGB which has the principal responsibility for approving a surface mining operation or reclamation plan. Under the California Surface Mining and Reclamation Act of 1975 (SMARA), there are currently 108 lead agencies: 57 counties, 50 cities, and the SMGB. The 57 counties that serve as lead agencies, contain from 4 to 117 mine sites within their jurisdiction, and average 27.3 mine sites per county. The 50 cities that serve as lead agencies contain from 1 to 35 mine sites within their jurisdiction, and average 3.3 mine sites per city. As a lead agency, the SMGB has assumed authority of three counties (Alpine County, El Dorado County and Yuba County), 10 cities that have not adopted mining ordinances, and 10 Bay Conservation and Development Commission (BCDC) sites.

In 2007, the SMGB published Information Report IR 2006-07 titled "*Report on SMARA Lead Agency Performance Regarding Mine Reclamation.*" This evaluation assessed the lead agency's performance of periodic mine inspections, adjustment of annual financial assurances and enforcement of the preparation of Interim Management Plans should a surface mine site be characterized as idle for a period exceeding one year. Based on this review, the overall performance of SMARA lead agencies was found to significantly vary throughout the state. For the most part, overall performance was found to be poor, reflecting a number of factors including primarily financial constraints, and limited or absence of technical expertise. This report also noted that when a lead agency fails to adequately administer its SMARA program, the SMGB can consider assumption of their SMARA lead agency authority.



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Since 2007, the SMGB has reviewed the overall performance of numerous Counties including Alameda, Alpine, Butte, Mono, Napa, Sacramento, Santa Clara, San Bernardino, and Siskiyou, and the City of Truckee and City of Lake Elsinore.

The LART report for the County of Merced dated September 29, 2011, has been completed (Exhibit A).

SUMMARY OF COUNTY OF MERCED PERFORMANCE AS A SMARA LEAD AGENCY:

The County oversees twenty-eight surface mining operations within its jurisdiction: 24 active, two idle and four closed with no intent to resume or reclamation certified complete. Materials extracted include primarily sand and gravel, with subordinate amounts of clay, gypsum and gold.

EXECUTIVE OFFICER'S RECOMMENDATION: The information being provided by OMR is for the SMGB's information. No recommendations are provided by the Executive Officer at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer



Exhibit A

LART Report on the County of Merced

